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700 13th Street, NW
Suite 600
Washington, D.C. 20005-3960

+1.202.654.6200
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PerkinsCoie.com

December 22, 2016

Marc E. Elias
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Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 7155

Dear Mr. Jordan:

On behalf of the Democratic National Committee ("Respondents"), we submit this letter in response to the complaint filed by the Public Interest Legal Foundation ("Complainants") on October 20, 2016 (the "Complaint"), alleging a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), or Federal Election Commission ("FEC or "Commission") regulations. The Complaint presents no reason to believe that Respondents committed any violation of the Act. The Commission should accordingly dismiss the Complaint, close the file and take no further action.

The Complaint makes three allegations against Respondents:

First, it claims that Respondents coordinated voter registration and get-out-the-vote drives with "Americans United for Change and Voces de la Frontera Action and other unknown groups" in violation of 11 C.F.R. § 114.4 (2016).¹ The sole sources for this allegation are press releases issued by Americans United for Change and Voces de la Frontera Action, which describe programs contemplated by the groups. The Complaint provides no evidence that these programs were actually undertaken, and it offers no examples of any communication that either group actually issued, besides the press release.

Second, it claims that Respondents coordinated, directed, requested and approved the recruitment of individuals to attend and protest at rallies featuring the Republican presidential and vice presidential candidates, Donald J. Trump and Representative Mike Pence, in violation of 11 C.F.R. § 109.21(c).² This allegation hinges on two videos produced and published by a group called Project Veritas Action, which surreptitiously recorded, edited and published comments

¹ Compl. at 2.

² See *id.*

made by political consultants Scott Foval and Robert Creamer.³ The Complaint tries to corroborate the video-derived allegations with a news article describing protests at a Trump rally in Chicago,⁴ and another article describing the use of a costumed duck to follow the Republican presidential candidate.⁵

Third, the Complaint makes a sweeping and unsupported claim that “all public communications... done by Americans United for Change...were done at or with the direction, approval, suggestion, or after material discussion regarding the timing, content, and audience of the communications, of the DNC and Hillary for America campaign.”⁶ Again, besides the aforementioned press release, the Complaint provides no example of any public communication issued by Americans United for Change, let alone one that was coordinated with Respondents.

The Complaint fails to present an allegation of prohibited coordination by Respondents and Respondents categorically deny that any such coordination occurred. A public communication must satisfy a three-prong test to be considered a coordinated communication: it must (1) be paid for by a person other than a candidate, authorized committee or political party committee with which it is coordinated; (2) satisfy one or more content standards; and (3) satisfy one of several conduct standards.⁷

Yet the Complaint identifies no communication that would meet the content standard. Nor does it allege any activity by Respondents that would meet any conduct standard. Regarding the voter registration and get-out-the-vote drives allegedly undertaken by Americans United for Change and Voces de la Frontera Action, the Complaint identifies no communication that was distributed by either group, except for the press releases at Exhibits A and B. Nor does it present any conduct by Respondents that would have pertained to these activities, had they indeed occurred. Regarding the recruitment of protestors, even if one were to assume the authenticity of the spurious videos from which the allegation is derived, the Complaint still presents no claim of coordination. Again, it identifies no communication that meets the conduct standard, and no activity by Respondents that would meet the conduct standard, except for the vague implication that the campaign was aware of the protests.

The only specific activity that the Complaint suggests that was actually associated with Respondents—the “Donald Ducks” mascot—is one for which Respondents paid in full. Respondents had a contract with Mobilize, Inc., a vendor providing consulting services to Respondents during the 2016 cycle, and Respondents paid that vendor for the expenses

³ Compl. Ex. E. The Complaint includes a putative transcript of the videos, apparently created by Complainant himself, as Exhibit F.

⁴ See Compl. Ex. C.

⁵ See Compl. Ex. D.

⁶ Compl. at 3.

⁷ 11 C.F.R. § 109.21.

Jeff S. Jordan
December 22, 2016
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associated with that mascot. *See* Exhibit A (detailing duck-related expenses). Neither the payment prong nor the content prong of the coordination rules was satisfied as to the duck. Respondents know of no expenses associated with any third party regarding the duck, and in any case they had fully paid for all expenses associated with the costuming, staffing and deployment of the duck. Yet even if any additional expenses had been incurred in relation to the duck's future use, they would not have resulted in a coordinated communication, insofar as the duck did not represent a "public communication" under the Act.⁸

The Commission may find "reason to believe" only if a Complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act.⁹ For claims of coordination, the Commission requires an even stronger showing: that Complainant provide "probative information of coordination."¹⁰ The Complaint fails to meet either standard with respect to Respondents. Accordingly, we request the Commission find no reason to believe Respondents committed any violation of the Act and dismiss this matter immediately.

We appreciate the Commission's consideration of this response.

Very truly yours,



Marc E. Elias
Brian G. Svoboda
Courtney Weisman
Counsel to Respondents

⁸ *See* 11 C.F.R. §§ 109.21(c)(2), 100.26 (defining "public communication" as a communication made "by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public or any other form of general public political advertising.").

⁹ 11 C.F.R. § 109.21(a).

¹⁰ FEC Matter Under Review 5999, Factual and Legal Analysis (Dec. 15, 2008); *see also* FEC Matter Under Review 6059, Factual and Legal Analysis at 6 (Feb. 3, 2009).

Exhibit A

UT00001234567



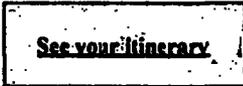
Thanks!

Your reservation is confirmed. No need to call to reconfirm.

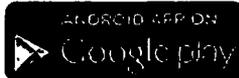
Fairfield Inn & Suites Wilkes-Barre Scranton, Wilkes-Barre

Oct 10, 2016 - Oct 11, 2016

See live updates to your itinerary, anywhere and anytime.



Or get the free app:



Hotel overview



Fairfield Inn & Suites Wilkes-Barre Scranton

884 Kidder Street, Wilkes-Barre, PA, 18702 United States of America

[View hotel](#)

[Map and directions](#)

Reservation dates

Oct 10, 2016 - Oct 11, 2016

Itinerary

7216566802395

Check-in and Check-out

3:00PM

noon

Room

Guests
Reserved for Aaron Minter
1 adult

Room
Suite, 1 King Bed

Included amenities
Continental Breakfast, Free High-Speed Internet

Room requests
1 king bed
Non-smoking room

Price summary

Expedia.✦

Price breakdown
Room price: \$154.29
1 night: \$139.00
Taxes & fees : \$15.29

402 points
for this trip

Total \$154.29
Collected by Expedia

Unless specified otherwise, rates are quoted in US dollars.

Additional hotel fees

The below fees and deposits only apply if they are not included in your selected room rate.

The price shown above DOES NOT include any applicable hotel service fees, charges for optional incidentals (such as minibar snacks or telephone calls), or regulatory surcharges. The hotel will assess these fees, charges, and surcharges upon check-out.

Rules and restrictions

Cancellations and changes

We understand that sometimes plans fall through. We do not charge a cancel or change fee. When the hotel charges such fees in accordance with its own policies, the cost will be passed on to you. Fairfield Inn & Suites Wilkes-Barre Scranton charges the

The room type and rate selected are non-refundable. Should you change or cancel this reservation for any reason, your payment will not be refunded.

No refunds will be issued for late check-in or early check-out.

Stay extensions require a new reservation.

Pricing and Payment

Hotel fees

The price above DOES NOT include any applicable hotel service fees, charges for optional incidentals (such as minibar snacks or telephone calls), or regulatory surcharges. The hotel will assess these fees, charges, and surcharges upon check-out.

Pricing

Your credit card is charged the total cost at time of purchase. Prices and room availability are not guaranteed until full payment is received.

Some hotels request that we wait to submit guest names until 7 days prior to check in. In such a case, your hotel room is reserved, but your name is not yet on file with the hotel.

Guest Charges and Room Capacity

Base rate is for 1 guest.

Total maximum number of guests per room/unit is 4.

Maximum number of adults per room/unit is 4.

Maximum number of children per room/unit is 3.

Maximum number of infants per room/unit is 3.

This property considers guests aged 17 and under, at time of travel, to be children.

Availability of accommodation in the same property for extra guests is not guaranteed.

More help

About the Hotel

For special requests or questions about the property, please call the hotel directly at
Tel: 1 (570) 208-4455, Fax: 1 (570) 208-4488

About your Reservation

Visit our [Customer Support](#) page.

Call us at 1-877-261-3523.

For faster service, mention itinerary #7216566802395

Mobilize, Inc., NA

Invoice

A Member of Democracy Partners
 350 W. Hubbard St., Ste. 200
 Chicago, IL 60654
 Attn. Linda Saucedo

Date	Invoice #
9/2/2016	283

Bill To
Democratic National Committee Attn. Chief Operating Officer 430 S. Capitol Street, SE Washington, DC 20003

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	General Election Consulting Contract - August 2016 Management - \$14,000/month Immigration Consultant - \$8,000/month Rapid Response Consultants 3 @ \$5,000/month/consultant Kelly Benjamin @ \$500 (8/31 Sarasota Event)	37,500.00	37,500.00
	Reimbursements for Month Breakdown: (see attached) Room Rental: Home Plate Diner - Des Moines, IA (8/27/16) Shipping: Fed Ex shipments of Signs (8/29/16) Duck Materials: Pay Pal - Duck Costume (1 of 3) (8/17/16) Harris Costumes - Duck Costume (2 of 3) (8/19/16) Twin Cities Magic & Costume (3 of 3) (8.19/16) AnyPromo - Rubber Ducks (8/26/16) M&I Recording - DJ Quacker Duck Song (8/31/16) Printing: Boruck Printing & Silkscreening - Printing of Signs in Seattle, WA (8/30/16) Travel: Southwest Airlines (8/16/16) Delta Airlines (8/18/16) Delta Baggage Fee for Duck Costume (8/18/16) Uber (8/18/16) Uber (8/18/16) American Airlines (8/19/16)	3,838.95	3,838.95
	Services for Month Breakdown: Trump Events (see Page 2)		

Please remit by wire. Confidential instructions attached.	Total
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Mobilize, Inc., NA

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 350 W. Hubbard St., Ste. 200
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9/2/2016	283

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P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	Bracketing activities for Following Trump Events: Date -Type of Event - City, State 8/2/16 -Town Hall/Presser -Ashburn, VA 8/2/16 - Pressers -Phoenix & Tuscon, AZ 8/3/16 - Presser/Rally - Jacksonville, FL 8/3/16 -Event - Portland, ME 8/4/16 -Presser/Protes/Town Hall - Portland, ME 8/4/16 -Presser/Town Hall -Raleigh, NC 8/4/16 - Presser/Rally - Norfolk, VA 8/5/16 - Presser/Protest - Greenbay, WI 8/5/16 -Press Call/Presser/Protest - Des Moines, IA 8/6/16 - Fundraiser - Nantucket, MA 8/6/16 - Fundraiser - Oyster Harbors, MA 8/6/16 -Rally - Windham, NH 8/7/16 -Presser -Detroit, MI 8/8/16 -Presser/Speech -Detroit, MI 8/8/16 -Presser/Fundraiser -Canton, OH 8/8/16 - Presser - Omaha, NE 8/8/16 - Event -Council Bluffs, IA 8/9/16 - Presser -East Lancaster, PA 8/9/16 - Presser - Pittsburgh, PA 8/9/16 - Presser - Wilmington, NC 8/9/16 - Presser - Fayetteville, NC 8/10/16 - Presser - Dayton, OH 8/10/16 -Presser - Columbus, OH 8/10/16 - Presser -Abington, VA 8/10/16 - Presser/Protest -Ft. Lauderdale, FL 8/11/16 - Press Call/Presser -La Crosse, WI 8/11/16 -Presser/Protest -Milwaukee, WI 8/11/16 -Rally -Orlando, FL 8/12/16 -Presser/Press Call -Eric, PA 8/12/16 -Presser -Altoona, PA 8/12/16 -Presser -Hartford, CT		
Please remit by wire. Confidential instructions attached.		Total	

Mobilize, Inc., NA

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 Attn. Linda Saucedo

Invoice

Date	Invoice #
9/2/2016	283

Bill To
Democratic National Committee Attn. Chief Operating Officer 430 S. Capitol Street, SE Washington, DC 20003

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	8/13/16 -Rally -Fairfield, CT		
	8/15/16 - Presser - Youngstown, OH		
	8/16/16 - Presser/Town Hall - Milwaukee, WI		
	8/16/16 - Presser/Rally -Milwaukee, WI		
	8/16/16 - Presser -La Crosse, WI		
	8/17/16 - Presser/Protest -Henderson, NV		
	8/18/16 - "Donald Ducks" -New York, NY		
	8/18/16 - Presser/Fundraiser/Rally -Charlotte, NC		
	8/18/16 - Visibility -Manchester, NH		
	8/19/16 -Presser/Rally -Lansing, MI		
	8/19/16 -Presser/Fundraiser -Minncapolis, MN		
	8/20/16 - Presser/Rally -Fredericksburg, VA		
	8/20/16 - Presser/Canvass - Des Moines, IA		
	8/22/16 - Press Call -Cedar Rapids, IA		
	8/22/16 -Presser -Akron, OH		
	8/23/16 -Presser/Visibility -Fort Worth, TX		
	8/23/16 - Presser/Visibility -Austin, TX		
	8/23/16 - Presser -Chicago, IL		
	8/24/16 -Presser - Jackson, MS		
	8/24/16 -Presser -Tampa, FL		
	8/24/16 -Presser -Charlotte, NC		
	8/24/16 -Presser -Wilmington, NC		
	8/25/16 -Presser -New York, NY		
	8/25/16 -Press Call/Visibility -Manchester, NH		
	8/25/16 -Presser/Visibility -Aspen, CO		
	8/25/16 -Presser -Phoenix, AZ		
	8/26/16 -Protest/Fundraiser -Lake Tahoe, NV		
	8/26/16 -Protest -Las Vegas, NV		
	8/27/16 -Presser/Protest -Purcellville, VA		
	8/27/16 -Presser/Protest -Des Moines, IA		
	8/28/16 -Presser -San Francisco, CA		
	8/29/16 -Presser - Atlanta, GA		
	8/29/16 -Presser -Seattle, WA		
	8/30/16 - Story Placed (AJC) -Dalton, GA		
Please remit by wire. Confidential instructions attached.		Total	

Mobilize, Inc., NA

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350 W. Hubbard St., Ste. 200
Chicago, IL 60654
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Invoice

Date	Invoice #
9/2/2016	283

Bill To
Democratic National Committee Attn. Chief Operating Officer 430 S. Capitol Street, SE Washington, DC 20003

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	8/30/16 -Presser -Winston-Salem, NC 8/30/16 -Protest/Rally -Everett, WA 8/31/16 -Presser -Phoenix, AZ 8/31/16 -Visibility -Sarasota, FL		

Please remit by wire. Confidential instructions attached.

Total

\$41,338.95

Mobilize, Inc., NA

A Member of Democracy Partners
350 W. Hubbard St., Ste. 200
Chicago, IL 60654
Attn. Linda Saucedo

Invoice

Date	Invoice #
12/8/2016	305

Bill To
Democratic National Committee Attn. Chief Operating Officer 430 S. Capitol Street, SE Washington, DC 20003

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	Shipping of Brackcting Materials (See UPS Store Receipt)	336.52	336.52
	Equipment for Trump Hotel Protest (See Mens Wearhouse Receipts)	353.15	353.15
	Round Trip Mileage from Washington, DC to Charlotte, NC (806 miles @ \$0.54 per mile) - Overnight drive to help launch "Trump Ducks" debut in Charlotte	435.24	435.24
	Round Trip Mileage from Washington, DC to Fredericksburg, VA (112 miles @ \$0.54 per mile) - "Trump Ducks" Protest in Fredericksburg	60.48	60.48
	Round Trip Milcage from Washington, DC to Philadelphia, PA (274 miles @ \$0.54 per mile) - Meeting in Philadelphia to discuss labor and grassroots outreach	147.96	147.96

Please remit to above address.

Total \$1,333.35

December 8th 2016

Mobilize DemocracyPartners
350 W. Hubbard Street, Ste. 200
Chicago, IL 60654

Linda Saucedo
emailed to: lindasaucedo@democracypartners.com.

Make payment to:

James Salt

Washington DC 20011

North Carolina trip involved driving overnight to help launch 'Trump Ducks' debut in Charlotte.

Fredericksburg trip involved 'Trump Ducks' protest

Philadelphia trip involved meeting with HFA staff to discuss labor and grassroots outreach

Round Trip Mileage Washington DC to Charlotte NC 806 miles at \$0.54 per mile.		435.24
Round Trip Mileage Washington DC to Fredericksburg 112 miles at \$0.54 per mile.		60.48
Round Trip Mileage Washington DC to Philadelphia PA 274 miles at \$0.54 per mile.		147.96
Shipping Costs for Trump Ducks costume to Scot Floval		336.52
Tuxedo Costs for Trump Hotel Protestat		353.15
	Total	1333.35



THE MENS WEARHOUSE, INC.
529 14TH STREET NW
WASHINGTON, DC 20045
202-783-0128

Consultant: AARON METHENY (AMM152)
Date: 09/12/2016

Sold To:

Sale Items	Mdse Code	Description	Qty	Price
	408A30410	C. K. BRODIE LA	1	99.99
		Price Markdown		-50.00
Total Purchase				49.99
Tax				2.87
Total Sales Amount				\$52.86

1 Saved: \$50.00 --

Grand Total \$52.86

Payments:

Debit Card XXXXXXXXXXXX 52.86
Date: 09.12.2016 Time: 01:25:37PM
Auth#: 631536

In store credit only after 90 days

See Return/Exchange Policy at:
www.menswearhouse.com/returns

Tran No: 3506*248736 Store No: 3506
Transaction: SALE Phone: 202-783-0128



WE INVITE YOU TO VISIT OUR WEBSITE AT:
www.menswearhouse.com

Thank You



THE MENS WEARHOUSE, INC.
529 14TH STREET NW
WASHINGTON, DC 20045
202-783-0128

Consultant: AARON METHENY (AMM152)
Date: 09/12/2016

Sold To:

Sale Items	Mdse Code	Description	Qty	Price
	360M42310	PUEV TUX SY FF	1	229.99
	502T65510	J&F WING TUX	1	49.99
		Price Markdown		-20.00
	811480002	PR COUT PRE BOW	1	19.99
		Damage Markdown		-8.00
	002680000	PANT PLAIN BOTTOM	1	12.00

Total Purchase 283.97
Tax 16.32

Total Sales Amount \$300.29

-- You Saved: \$28.00 --

Sales Amount Grand Total \$300.29

Payments:

Debit Card XXXXXXXXXXXX 3 300.29
Date: 09.12.2016 Time: 01:22:22PM
Auth#: 870149

In store credit only after 90 days

See Return/Exchange Policy at:
www.menswearhouse.com/returns

Tran No: 3506*3*7083 Store No: 3506
Transaction: SALE Phone: 202-783-0128



WE INVITE YOU TO VISIT OUR WEBSITE AT:
www.menswearhouse.com

Thank You